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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,581	01/21/2004	Daniel P. Fiden	47079-00245USPT	3474

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EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/761,581

Applicant(s)

FIDEN ET AL.

Examiner

Kim T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-20, 23-27 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-20, 23-27 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 11/20/06. According to the amendment, claims 2-3, 21-22 and 28-29 have been canceled, and claims 1, 4-20, 23-27 and 30-38 are pending in the application.

Claim Objections

1. Claims 4-5, 7-11, 15-17, 23, 25-26, 31-34 and 37-38 are objected to because of the following informalities:

In claim 4, line 1, the claimed limitation "gaming machine" should be corrected to "gaming terminal".

In claims 5, 7-11, 15-17, 23, 25, 31-34 and 37-38, all occurrences of "nonlinear path" and "movable element" should be preceded by "physical" to be consistent with the claim language of the claims from which they depend.

In claim 26, line 2, the claimed limitation "the at least one" should be corrected to "at least one".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-20, 23-27 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al (US 2005/0101371, herein Seelig' 2005) in view of Seelig et al (US 2004/0147300, , herein Seelig' 2004).

Claim 1: Seelig' 2005 discloses a gaming terminal 4 (Fig. 3) for conducting a wagering game, comprising an input device (bill acceptor as depicted in Fig. 1) for receiving a wager input from a player of the gaming terminal; a physical nonlinear path extending in three dimensions 50 (Fig. 3A) or 560 (Fig. 5) (paragraphs 0057 and 0078); and at least one physical movable element 40 (Fig. 3A) or 544 (Fig. 5) for representing a bonus game outcome, the at least one physical moveable element moving along the physical nonlinear path in response to the start bonus game outcome being selected in the basic game (paragraphs 0044-0045, 0048 and 0052). Seelig' 2005 does not explicitly disclose a display for displaying a game outcome randomly selected from a plurality of game outcomes in a basic game including a start bonus game outcome in response to receiving the wager input. However, Seelig' 2004 discloses a display for displaying a game outcome randomly selected from a plurality of game outcomes in a basic game including a start bonus game outcome in response to receiving the wager input (Fig. 3; paragraph 0103). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a display for displaying a game outcome randomly selected from a plurality of game outcomes in a basic game including a start bonus game outcome in response to receiving the wager input as taught by Seelig' 2004 to the gaming terminal of Seelig' 2005 in order to enhance excitement for the game.

Claim 4: providing a game with an associated theme to make the game more interesting and exciting to the player would have been well known and obvious matter of design choice. One of ordinary skill in the art would have found it obvious to associate the old and well known particular theme with the game because associating a particular theme with a game are known to make the game more interesting and exciting to the player.

Claims 5-7: Seelig' 2005 discloses that the nonlinear path comprises a rollercoaster track in that the slot 50 (Fig. 3A) is considered to be an equivalent to a rollercoaster type track in that it provides a mechanism for guiding a cart or object along a path extending in multiple dimensions. Seelig' 2005 does not explicitly disclose that the at least one moveable element comprises at least one rollercoaster car. However, Seelig' 2004 discloses an animated display with a railroad cart 460 (Fig. 8A). In so much as a railroad cart follows along a track (i.e. a rollercoaster track) in a similar manner as a rollercoaster car, it is considered to be equivalent to applicant's rollercoaster car. Seelig' 2005 discloses that the at least one movable element comprises a plurality of elements, which may be a rollercoaster car as described above (Fig. 3A; paragraph 0057).

Claim 8: Seelig' 2005 discloses the movement of the at least one moveable element along the nonlinear path represents a payout corresponding to the selected game outcome (paragraphs 0044-0045, 0062 and 0126).

Claims 9-10: Seelig' 2005 discloses the nonlinear path includes a starting point and an ending point (Figs. 3A, 5) and movement of the at least one moveable element

along the nonlinear path from the starting point to the ending point represents a payout of a predetermined amount (paragraphs 0061-0062). Further, However, it would have been well-known and obvious matter of design choice to have the movable element cycle multiple times along the path to represent multiple awards such as multipliers.

Claim 11: Seelig' 2004 discloses a gaming device with movable elements 314 and 316 which follow a nonlinear path 330 and having a starting point 318 and an ending point 320 (Fig. 6; paragraphs 0126-0127). As taught by the reference, the movable elements 314 and 316 are rotatable around an axis of rotation at the center of Fig. 6 (e.g. the circle at the center of the bird's breast), and therefore are considered to be able to rotate completely around the path 330, forming a continuous loop.

Claim 12: Seelig' 2004 discloses the selected game outcome includes a payout amount (paragraph 0130).

Claims 13-14: including a payout amount indicator for indicating the payout amount and updating the payout value indicated by the indicator would have been old and well known to a person of ordinary skill in the art at the time the invention was made.

Claim 15: Seelig' 2004 discloses an animated railroad cart 460 display for displaying awards which has a payout indicator 490 with payout amount 496 which increments while the movable elements 470 and 472 on the railroad cart are in motion (Fig. 8A; paragraphs 0141-0143).

Claim 16: Seelig' 2004 discloses that the payout indicator 490 with payout amount 496 increments the longer the movable elements 470 and 472 are in motion (Fig. 8A; paragraphs 0141-0143).

Claim 17: It would have been well known in the art for gaming devices to include a memory for storing information that relates to a pay table or to a certain action in response to a payout.

Claims 18-19: since Seelig' 2004 discloses conducting a wagering game including a basic game and a bonus game on a reel slot machine of general conventional construction (paragraphs 0100-0101), Seelig' 2004 obviously encompasses including a central processing unit for randomly selected the game outcome from the plurality of game outcomes in the basic game. Further, it would have been well-known and obvious matter of design choice to have the central processing unit located within or outside of the gaming terminal.

Claims 20, 23-27 and 30-38: refer to discussion in claims 1, 4, 7-10, 12-13 and 15.

Response to Arguments

4. Applicant's arguments on 11/20/06 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:


(571) 273-8300, (for formal communications; please mark
"EXPEDITED PROCEDURE").

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Date: February 14, 2007



Kim T. Nguyen
Primary Examiner
Art Unit 3714